

Notice of Allowability

Application No.

10/044,824

Examiner

Brian R. Gordon

Applicant(s)

ARNOLD ET AL.

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to petition decision 8-28-06 and RCE 11-7-05.
2. ☒ The allowed claim(s) is/are 5-6, 8-11, 13, 22-225.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 1-24-05.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Edward R. Williams, Jr. on September 8, 2006.

The application has been amended as follows:

In the claims, amend the claims as follows.

5. The system as set forth in claim 22 wherein the underside of the main body portion of said transfer plate ~~is has a generally flat underside~~ and said flexible lips are ~~generally~~ coplanar with said flat underside.

In claim 10, line 2; delete the word "generally".

22. A reloading system for transferring one of a plurality of tiers of pipette tip arrays from a vertically stacked orientation to an empty pipette tip holder, said system comprising:

a pipette tip holder having a flat support surface provided with an array of tip support openings adapted to receive and hold an array of pipette tips;

a plurality of stacked tiers of pipette tip arrays, wherein the pipette tips each have a lower tapered tip end, and an upper mounting sleeve separated from the tip end by a shoulder;

a transfer plate in each tier holding a respective array of pipette tips, each transfer plate having a main body portion having an underside and a of uniform thickness and an array of apertures arranged to align with the array of tip support openings in the pipette tip holder, each of the apertures having a peripheral edge portion including a plurality of flexible lips extending radially inwardly from the edges of the apertures, said lips adapted to support a pipette tip by its shoulder with the tip end extending downwardly through the aperture in the transfer plate;

a support structure formed integrally with and depending downwardly from the underside of each transfer plate and engaged ~~engageable~~ with the transfer plate of the tier immediately below in the stacked orientation to prevent supporting contact between vertically adjacent tips, said support structure operative to support the transfer plate on the flat support surface of the pipette tip holder; and,

a push plate adapted to overlie each of the transfer plates individually and directly engage the mounting sleeves of the tips held in the array of apertures of the transfer plate and push the tips ~~same~~ through the apertures, past and separated completely from the flexible lips and into the tip support openings on the pipette tip holder.

In claim 24, amend the third paragraph as follows:

(2) providing a plurality of stacked tiers of pipette tip arrays, each tier of pipette tip arrays being held and supported by a transfer plate having a fiat body with an array of apertures arranged to align with the array of tip openings in the holder, wherein each of the apertures is formed with a flexible peripheral edge portion sized to support a pipette tip by its mounting sleeve with the tip end extending downwardly from an the underside of the transfer plate body;

Drawings

2. In order to avoid abandonment, the drawing informalities noted in the paper (PTO-948) mailed on January 24, 2005, must now be corrected. Correction can only be effected in the manner set forth in the above noted paper.

Allowable Subject Matter

3. Claims 5-6, 8-11, 13, and 22-25 are allowed.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jessop et al. discloses a pipette packaging and transfer system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian R. Gordon whose telephone number is 571-272-1258. The examiner can normally be reached on M-F, with 2nd and 4th F off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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